STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF LAKE JACKSON

BE IT KNOWN that the Planning Commission of the City of Lake Jackson met in Regular Session on Tuesday, March 1, 2016 at 6:30 p.m. in the Council Chambers at the Lake Jackson City Hall, 25 Oak Drive, Lake Jackson, Texas with the following agenda:

Locke Sanders, Chair	William P. Yenne, City Manager
Vinay Singhania, Secretary	
Harry Sargent	
Brenda Colegrove, Vice Chair	Sal Aguirre, City Engineer
John Fey	Athelstan Sanchez, Assistant City Engineer
	Eddie Herrera, Engineering Technician
	Giani Cantu, Assistant City Secretary
Mayor Joe Rinehart	

PLEDGE OF ALLEGIANCE
Harry Sargent led the pledge of allegiance.

VISITORS COMMENTS
No visitors commented on any items.

APPROVAL OF MINUTES
The minutes of January 20, 2016 and February 2, 2016 were approved as submitted.

DISCUSS AND CONSIDER REQUEST FROM JACOB CROSBY TO REZONE 606 WILLOW DRIVE TO B-2 (CENTRAL BUSINESS) OR TO AMEND OTHER ZONING TO ALLOW BATTING CAGES/RECREATIONAL FACILITIES AND CALL FOR PUBLIC HEARING
Jacob Crosby, owner of 606 Willow Drive, reported that Michael Williams would like to move his business into 606 Willow Drive.

Michael Williams stated he would like to purchase 606 Willow Drive for purposes of opening a batting cage business. He has been speaking with the building official, who has notified him that the property is not zoned properly to accommodate a business of batting cages.

Mr. Yenne stated there is issues that the commission will need to consider. One is that the current zoning ordinance by prescription. Therefore, all uses must be listed within the list of authorized uses. Currently the property is zoned as B-1 Neighborhood business, which doesn't allow batting cages. There are two options to this issue: One is to amend the B-1 zoning to allow batting cages or similar businesses or two is to rezone the 606 Willow Drive to B-2 Central Business District zoning which currently allows that type of business. The second issue is the property is within sixty (60) feet of a residential property. There is a fifty (50) foot lot between the proposed lot and a residential home. The current ordinance addresses anything within sixty

(60) feet of a residential property in regards to noise, light and similar things. This may need to be resolved with the neighbors.

Mr. Williams stated the original plan was to not enclose the business. However, he plans to put a wall along the side that faces the neighboring residential properties to deflect noise.

Mr. Sargent asked if the business will get used at night and if lights could be an issue.

Mr. Williams stated the proposal is for the business to have a roof as well as the wall. Therefore, he doesn't believe the light should be an issue.

Mr. Crosby stated there are two houses that back up to property. One property owner has no problem. The other property is owned by a corporation and they are awaiting a response.

Discussion was held on the layout of the proposed business and parking.

Mr. Sargent asked if options to rezone or to amend zoning uses take the same amount of time to complete the process.

Mr. Yenne stated yes. Both options require public hearings. However, if the board decides to amend the zoning use they will need to decide whether it should be a conditional use or permitted use within the zone.

Mr. Singhania stated he'd rather add it as a conditional use, so that each can be reviewed as requested and he would like a survey from the residents in regards to this type of business in the neighborhood.

Mr. Sargent stated this would come back for public hearing next month and then go to council, if approved.

Mr. Yenne stated yes.

Further discussion was held on current zoning regulations.

Joe Rinehart, Mayor, asked for clarification of ordinance regarding anything within sixty (60) feet of a residential property.

Mr. Yenne stated the current ordinance has a supplemental restriction for businesses within sixty (60) feet of a residential area. The ordinance is written to clarify the sixty (60) feet being from property line to property line.

Mr. Singhania stated if the residents don't have a problem with the distance of the business, he doesn't see an issue.

Ms. Colegrove reported she liked the conditional use strategy.

Harry Sargent called for public hearing to consider amending B-1 (Neighborhood Business) zone to add conditional use of batting cages or similar recreational facilities. The motion was seconded by Brenda Colegrove.

Mr. Singhania asked how residents will be notified. Normally if a lot is rezoned it triggers the notification to residents near the proposed lot.

Mr. Yenne stated staff will send notices.

Mr. Fey asked for clarification if this would allow for a blanket use in all B-1 (Neighborhood Business) zones.

Mr. Yenne stated yes, but only as conditional. Any request would have to come to the board for approval.

With all present members voting "aye", the motion carries and the public hearing was called.

PRELIMINARY AND FINAL REVIEW AND ACTION ON SECOND REPLAT OF FLAG LAKE SUBDIVISION OF LOT 3, A 1.30 ACRE LOT LOCATED AT 124 FLAG LAKE ROAD

Staff review and comments:

The request comes from John Russell, owner of the property, in the interest of the subdividing the 160 ft. x 350' long tract into two lots. His immediate purpose is to develop the rear portion lot for his own builder's business office and storage building needs. The remaining front lot is planned for future sale and other business use, at the moment being a dance studio possibility.

The proposed partition provides a reciprocal 31 foot access and utility easement to both adjoining lots by way of dedication in the plat. This provision allows for water, sewer, and drainage utility along with traffic service to both lots.

All platting requirements have been satisfied and staff recommends your consideration for approval.

John Russell, 229 Any Way St, presented a re-plat to split his 1.3 acre lot in half. The back half of the lot will be for his business and the front half will be used to build a dance studio which is allowed by ordinance. The lot is located at 126 Flag Lake Drive.

Mr. Singhania asked how Mr. Russell intended to access his property.

Mr. Russell stated there is a reciprocal ingress and egress easement on the right hand side of the property wide enough for a fire lane from the alley to the street. The utility easement is on the left side of the property.

Mr. Aguirre gave his review.

On motion by Vinay Singhania second by John Fey with all present members voting "aye" preliminary and final approvals on the second re-plat of Flag Lake Subdivision of Lot 3, a 1.30 acre lot located at 124 Flag Lake Road were granted.

PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDED PLAT OF LOT 3, BLOCK 3 OF REPLAT OF AREA J

Staff review and comments:

This submittal is in preparation for the upcoming development of the Heritage Bank Facility at Carriage Square at South Parking Place. One of the last remaining open lots in the downtown district, the land was challenged by a crisscross of utility easements that made efficient development difficult. After a lengthy process of primary electrical and communication line removal and relocation, the bank development proceeded to the design and construction plan stage now currently in permit review.

The plat amendment vacates the existing easements now unused and those to become after rerouting and dedicates the new easements to the relocated and reassigned routes. All platting requirements have been satisfied and staff recommends your consideration for approval.

Pat Ford, architect for Heritage Bank, stated the re-plat is to move easements and utilities and was present for any questions.

On motion by John Fey second by Vinay Singhania, with all present members voting "aye" preliminary and final approval of the amended plat of Lot 3, Block3 or re-plat of Area J was granted.

PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDED LANDSCAPE ALTERNATE PLAN TO DENNYS SITE AT 415 THIS WAY

Staff review and comments:

The saga of the hacked oak tree continues with this request to you to reconsider the conditions imposed on the landscape replacement plan previously approved. As you may remember, your action taken, called for the replacement of 24 caliper inches for the 24" oak removed. The plan presented and approved included 6 - 4"oak to meet the conditions.

Prior to their opening, Denny's landscaper planted an entirely different product from that approved. This was voiced to them and subsequently removed for a future compliance. The landscaper has since assessed the site further which led to his presenting his findings and options to convince you to approve one as an acceptable equivalent.

My comments on each are in the exhibits provided and indicate where they come short of the ordinance requirements and of the approved plan conditions. All fall under the alternate plan designation when you are considering action on any.

Bill McMilland, Denny's landscape architect, reported that they were brought in after the contractor made previous arrangements, with the city to re-do landscaping. The contractor requested to replace 24 caliper trees with 24" of Oak trees around the building. However, there is not enough space in landscape areas for Oak trees. In order to avoid roots growing into plumbing and foundations again, the landscape architect now requests that the commission consider one of three options. Option A consists of replacing the 24 inch caliper requirement with twelve (12) 1" to 1-1/2" caliper multi-trunk crape myrtles. Option B consists of replacing

the 24 inch caliper requirement with twelve (12) 2” caliper single trunk crape myrtles. Option C consists of replacing the 24 inch caliper requirement with a combination of Oak trees and crape myrtles: four (4) 4” caliper Oak trees and four (4) 2” caliper single trunk crape myrtles. Option C is not recommended by the landscape architect due to space constraints.

Discussion was held on the three proposals and the space around the building.

Mr. McMilland showed pictures of the current landscaping and green space around the building.

Ms. Colegrove asked if an option would be to allow trees in city parkway.

Mr. Yenne stated that request would have to go to city council.

Mr. McMilland stated he has been a landscape architect for 28 years and is suggesting the crape myrtle because it is easy to control the root growth by pruning regularly.

Mr. Sanders stated he likes Ms. Colegroves’ idea to plant trees in city right of way.

Mr. Yenne stated the commission can make a recommendation and take it to council.

Discussion was held on the type of tree being replaced.

Mr. Singhania shared concerns of the principle that an Oak tree was removed and an Oak tree should be replanted.

Mr. Sargent stated he doesn’t agree with that because the expert is saying Oak trees won't do well in the space.

Mr. Fey asked if there are any other trees that do well in confined spaces.

McMilland stated they are trying to go with something that can be controlled and does well but doesn't block any signage.

Mr. Sanders asked how many more they can fit in the space.

McMilland stated they are already squeezing in the eight (8) proposed and there is already existing landscaping and palm trees which will stay.

Mr. Fey stated he appreciates Mr. Singhania's point of view and agrees it is irritating. However in this case, he knows that there is not a lot of room and it doesn’t seem to be conducive to put massive trees in that space.

Harry Sargent moved for preliminary and final approval of the proposed Option A which consists of replacing the 24 inch caliper requirement with twelve (12) 1” to 1-1/2” caliper multi-trunk crape myrtles as an alternate plan. Brenda Colegrove seconded.

John Fey asked if city right of way was not an option.

Mr. Yenne stated it has to go to city council but also that option may block the building frontage which the restaurant may not be happy about.

With four (4) members voting "aye" and Mr. Singhania opposed, motion carries and preliminary and final approval was granted for Option A which consists of replacing the 24 inch caliper requirement with twelve (12) 1" to 1-1/2" caliper multi-trunk crape myrtles as an alternate plan.

REPORT OF PARKING ORDINANCE REVIEW FROM SUB-COMMITTEE

Ms. Colegrove reported the subcommittee is making progress. Mr. Sargent stated they have inserted a table, made slight changes to the ordinance and presented it to Sherri Russell, City Attorney. Ms. Russell has made recommendations. The subcommittee will need to meet with Ms. Russell to finalize. No dates have been set.

ITEMS OF COMMUNITY INTEREST

John Fey asked what the digging on 2004 and Yaupon was. Mr. Aguirre stated the growth is victimizing the city for the install of communication cables.

Mr. Sargent stated he notice a new section of fence on Yaupon with signs that say private property. Mr. Yenne stated he's not sure but it could be to try to stop candidates from putting political signs.

Mr. Singhania stated the city looks beautiful in regards to mowing and landscaping but Dixie Drive is not being upkept.

Ms. Colegrove stated the Parks and Recreation space survey is now online. Also, there is a missing ADA ramp on the corner of Dewberry Ct. Mr. Herrera stated it is set to be done this year, as funding ran out last year.

Ms. Colegrove stated the blotter reported a lot of people soliciting for money and asked if that was a problem and should someone notify the police.

Mr. Yenne stated the joint meeting regarding the master plan is on March 22nd.

SET NEXT MEETING DATE

The next meeting was set for April 5, 2016.

ADJOURN

There being no further business the meeting adjourned at 7:47 p.m.

These minutes read and approved this _____ day of _____, 2016.

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Vinay Singhania, Secretary Locke Sanders, Chairman